

REMARKS

In her last action, the Examiner rejected claims 8-13 and 16 under §112 as indefinite by noting claim 1 required the decorative material be secured to the core, but claim 8 required the decorative material be held to the to the upper portion of the interior of the inner liner. Claim 1 has been amended to define the decorative material be held to the core, and by the language of claim 8, the decorative material is held by means of the inner liner. Claims 8 and 9 have also been amended to delete the reference to the “interior” of the inner liner. Reconsideration is thus requested.

Also, the Examiner had noted claim 16 would be allowed if rewritten in independent form to overcome the rejection under section 112, and thus the substance of claim 16 and claim 15 from which it depended have been incorporated into claim 1. Claims 15 and 16 have thus been cancelled.

The Examiner also rejected claims 1-4, 6, 14 and 15 under §102 of the Statute as being anticipated by the patent to Valentino. Claim 1 by incorporating the substance of claims 15 and 16 now defines over Valentino. It is also noted that Valentino does not describe the core being secured to the interior of said decorative bag as required in claim 2 and new claim 20 (and the claims depending therefrom). Valentino describes a “flat platform 16 which can be similar to cardboard backing that is often inserted in the bottom of such gift bags” (col. 2, lines 42-44) and does not describe the platform as secured within the bag. It is requested therefore that the rejection of claim 2 and the claims depending therefrom be

withdrawn.

New independent claims 17 and 20 have been added which define the core as being formed of a weighty material adapted to hold one or more buoyant balloons in place. Claim 17 requires decorative material secured within the bag in a position to conceal the core from casual view and extending outwardly from the bag, and claim 20 requires the core to be secured to the interior of the decorative bag.

It is respectfully submitted that the language defining the core as being "formed of a weighty material adapted to hold one or more buoyant balloons in place" properly defines a claim limitation of a core specifically constructed and arranged to hold at least one buoyant balloon in place, and such limitation must be considered by the Examiner in evaluating the present invention. Note, for example, *In re Venezia*, 189 U.S.P.Q. 149 (C.C.P.A. 1976) and *Ex parte Conner*, 215 U.S.P.Q. 384 (PTO Bd of App.). These limitations along with the others defined in claims 17 and 20, and claims depending therefrom are not found in the applied references. Reconsideration and an early notice of allowance is, therefore, requested.


Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerard F. Dunne", written over a horizontal line.

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I hereby certify that this correspondence is on May 12, 2003 being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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